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SAGUARO NATIONAL MONUMENT EXPANSION ACT OF 1991

APRIL 23 (legislative day, APRIL 9) 1991.—Ordered to be printed

Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 292]

The Committee on Energy and Natural Resources to which was referred the bill (S. 292) to expand the boundaries of the Saguaro National Monument, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Saguaro National Monument Expansion Act of 1991".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that the area generally to the south of the Rincon unit of the Saguaro National Monument contains—

(1) prime Sonoran desert habitat including an exceptionally rich area of Saguaro cactus and palo verde uplands;

(2) an outstanding riparian corridor of large Arizona sycamores and cottonwoods;

(3) important archaeological and cultural sites; and

(4) important habitat for the desert tortoise, gila monster, javelina, and other species of reptiles, mammals, and birds.

(b) PURPOSE.—The purpose of this Act is to authorize the addition of approximately 3,540 acres to the Rincon unit of the Saguaro National Monument in order to protect, preserve, and interpret the monument's resources, and to provide for the education and benefit of the public.

SEC. 3. DEFINITIONS.

As used in this Act, the term—

(1) "expansion area" means the approximately 3,540 acres to be added to the monument pursuant to this Act;

S313-4.

(2) "monument" means the Saguaro National Monument; and
(3) "Secretary" means the Secretary of the Interior.

SEC. 4. EXPANSION OF MONUMENT BOUNDARIES.

(a)(1) IN GENERAL.—The monument boundaries are hereby revised to include the approximately 3,540 acres of lands and interests in land as generally depicted on the map entitled "Saguaro National Monument Enhanced Boundary", numbered 151/91,001-D, and dated September 1990.

(2) The map referred to in paragraph (1) shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

(b) ACQUISITION OF LANDS.—The Secretary is authorized to acquire lands and interests in lands within the monument boundary by donation, purchase with donated or appropriated funds, exchange, or transfer from another Federal agency, except that lands or interests therein owned by the State of Arizona or any political subdivision thereof may be acquired only by donation or exchange.

(c) ADMINISTRATION.—Lands and interests in lands acquired pursuant to this Act shall be administered as part of the monument and shall be subject to all laws applicable to the monument.

(d) AMENDMENT TO GENERAL MANAGEMENT PLAN.—Within one year after the date of enactment of this Act, the Secretary is directed to amend the monument's general management plan with respect to the use and management of the expansion area.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

PURPOSE OF THE MEASURE

The purpose of S. 292, as ordered reported, is to authorize the addition of approximately 3,540 acres to the Rincon unit of the Saguaro National Monument in Tucson, Arizona.

BACKGROUND AND NEED

Saguaro National Monument was established by Presidential proclamation in 1933. The monument consists of two separate units located on the eastern and western outskirts of Tucson, Arizona. The combined acreage of the two units is approximately 83,500 acres. The monument's main feature is the giant saguaro cactus, which can reach hights of up to 50 feet, weight up to 8 tons and can live for more than 150 years. The park also provides important habitat for several animals including javelina, gila monsters and desert tortoises.

Over the years the monument has been impacted by increasing urban encroachment and adjacent development threats. When the monument was established in 1933, Tucson's population was approximately 35,000 and the city limits were over 15 miles from the park boundary. Today the metropolitan Tucson population exceeds 675,000 and urban development extends to the boundaries of both the east and west units.

Recent attention has centered on proposed development along the southern boundary of the eastern (Rincon) unit. The area immediately south of the Rincon unit has been identified as prime resource habitat containing scenic, ecological and archeological values, including high quality saguaro stands.

The area proposed for addition to the monument reflects an agreement between several conservation organizations and the three landowners in the expansion area—the Rocking K ranch, the X9 ranch, and the Arizona State Land Department. The addition

consists of approximately 3,540 acres—1,900 acres of the Rocking K ranch, the entire 1,300-acre X9 ranch, and 340 acres of State lands.

Addition of this parcel is especially important as the population of mature saguaros within the monument has inexplicably dropped over the past several years. Since the park's establishment in 1933, the saguaro population has declined by more than 50 percent. The area proposed for addition to the monument contains a large stand of healthy saguaros including several of the large mature saguaros that are disappearing within the existing monument boundary.

LEGISLATIVE HISTORY

S. 292 was introduced by Senator McCain on January 30, 1991. The Subcommittee on Public Lands, National Parks and Forests held a hearing on the bill on March 21, 1991. Similar legislation passed the House of Representatives late during the 101st Congress, although no action was taken in the Senate.

At the business meeting on April 18, 1991, the Senate Committee on Energy and Natural Resources ordered S. 292, as amended, favorably reported.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on April 18, 1991, by a unanimous voice vote of a quorum present, recommends that the Senate pass S. 292, if amended as described herein.

COMMITTEE AMENDMENTS

During the consideration of S. 292, the Committee adopted an amendment in the nature of a substitute. In addition to making several technical and clarifying changes, the amendment adds a provision directing the Secretary of the Interior to complete a formal amendment to the monument's general management plan within one year after the date of enactment of this Act. The amendment is to address the use and management of the expansion area. The amendment is described in detail in the section-by-section analysis below.

SECTION-BY-SECTION ANALYSIS

Section 1 entitles the Act the "Saguaro National Monument Expansion Act of 1991."

Section 2 contains the Congressional findings.

Section 3 defines certain terms used in the Act.

Section 4(a) enlarges the boundary of the Saguaro National Monument to include approximately 3,540 acres as generally depicted on map 151/91,001-D.

Subsection (b) authorizes the Secretary to acquire lands and interests therein within the boundaries of the monument by donation, purchase with donated or appropriated funds, exchange, or transfer from another Federal agency. Lands or interests therein owned by the State of Arizona may only be acquired by donation or exchange.

Subsection (c) provides that lands and interests in lands acquired pursuant to this Act are to be administered as part of the monument and shall be subject to all laws applicable to the monument.

Subsection (d) directs the Secretary to prepare and complete an amendment to the monument's general management plan within one year after the date of enactment of this Act, to address the use and management of the expansion area.

Section 5 authorizes the appropriation of such sums as may be necessary to carry out this Act.

COST AND BUDGETARY CONSIDERATIONS

The Congressional Budget Office estimate of the costs of this measure has been requested but was not received at the time the report was filed. When the report is available, the Chairman will request it to be printed in the Congressional Record for the advice of the Senate.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 292. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 292, as ordered reported.

EXECUTIVE COMMUNICATIONS

The legislative report received by the Committee from the Department of the Interior setting forth the Administration's recommendations relating to S. 292 is set forth below:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, April 11, 1991.

Hon. J. BENNETT JOHNSTON,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This responds to your request for our views on S. 292, "To expand the boundaries of the Saguaro National Monument."

We object to enactment of this bill unless amended to provide for a boundary study. Any future boundary expansion of Saguaro National Monument should be conditional on the final recommendation of such a boundary study.

We believe protection of the area proposed to be added to Saguaro National Monument by S. 292 might possibly be beneficial to Saguaro National Monument, but to date, however, no boundary study of Saguaro National Monument has been conducted by the National Park Service. If this Committee and the Congress intend to act on this issue, we recommend a boundary study be authorized

that would permit our study of existing conditions, alternatives, and estimated costs. When such a study has been undertaken, we will then be in a position to make an informed recommendation on this proposal.

S. 292 would authorize the Secretary of the Interior to acquire 3,000 acres within an expanded boundary of Saguaro National Monument according to a map referenced in the bill. There would be authorized to be appropriated for this purpose such sums as are necessary to carry out this acquisition. The land is presently owned by two private entities and the State of Arizona.

The area proposed in the bill to be added to the East Unit of Saguaro National uplands in the Sonoran desert, and as well a riparian zone including Rincon Creek and many tributaries. The upper portion of Rincon Creek, in this area, is free flowing and is one of the few remaining free-flowing streams untapped for Tucson's water projects. The creek is lined with old Arizona sycamores and cottonwoods and traverses the proposed addition.

This area includes prime habitat for the desert tortoise and the gila monster. The area includes the prize saguaro that has suffered so dramatically over recent years from poaching. The area also includes prime archeological sites including detailed petroglyphs.

The unfortunate condition of the saguaro calls for special consideration. The older saguaro, the majestic forty-foot saguaro, are dying with increasing regularity and there are few young saguaro germinating to replace the older ones. Scientists suggest that pollution, city impacts, and poaching are causing the destruction. The area proposed in the bill for addition includes many mid-sized saguaro. In the existing unit of the Monument, there are few of the mid-sized saguaro.

Development from Tucson's ever expanding population is on this park's doorstep. In 1933, when the monument was established, the population of Tucson was about 35,000 and the city limits were 15 miles from the park boundary. Today the metropolitan population exceeds 675,000 and development occurs on the very boundary of the park.

The East Unit, at one time considered an outback wilderness miles from urban pressures, is now becoming a mountain island with city dwellers and accompanying urban activities threatening to surround it. The traditional uses of this region have declined and been replaced by more resource consumptive urban development. As a result, habitat for many of the native species is rapidly being lost. Because the area is becoming an island surrounded by development, species can be isolated. These species face an uncertain future without access to the rich riparian zone included in this area.

Cooperation, mutual understanding, adequate research, technical assistance, and sensitive land use plans and development ordinances are key to the successful resolution of these issues of encroaching development. There also may be cases where the issues can only be resolved through boundary adjustments, but we will need to complete a study first to determine the best ways to protect this land. We understand there is a willingness of key property owners to discuss expansion of the monument.

In addition, the National Park Service has not completed a land cost estimate for this proposal. Cost estimates range from $10 million to $30 million.

The Office of Management and Budget has advised that there is no objection to the presentation of the report from the standpoint of the Administration's program.

Sincerely,

CONSTANCE B. HARRIMAN,
Assistant Secretary.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 292, as ordered reported.

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